

U.S. PATENT AND TRADEMARK OFFICE
APR 10 2007

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PTO/SB/21 (09-06)
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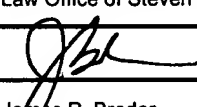
Total Number of Pages in This Submission 28

Application Number	09/930,120
Filing Date	August 14, 2001
First Named Inventor	Hanscom
Art Unit	3654
Examiner Name	Rivera, William A.
Attorney Docket Number	Q00-1027-US1 / 11198.70

ENCLOSURES (Check all that apply)

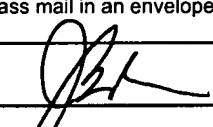
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input checked="" type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Return Receipt Postcard
<input type="text"/> Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Law Office of Steven G. Roeder		
Signature			
Printed name	James P. Broder		
Date	April 5, 2007	Reg. No.	43,514

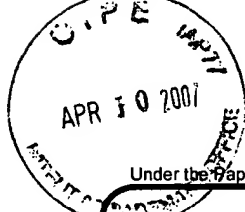
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	James P. Broder	Date	April 5, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

0.00

Complete if Known

Application Number	09/930,120
Filing Date	August 14, 2001
First Named Inventor	Hanscom
Examiner Name	Rivera, William A.
Art Unit	3654
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METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 50-1141 Deposit Account Name: Steven G. Roeder

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims		
<u>38</u> - 20 or HP = <u>0</u> x <u>50</u> = <u>0.00</u>		
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims		
<u>9</u> - 3 or HP = <u>0</u> x <u>200</u> = <u>0.00</u>		
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): _____

Fees Paid (\$)

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 43,514	Telephone 858-487-4077
Name (Print/Type)	James P. Broder		Date April 5, 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT – Reply under 37 CFR 1.116
Expedited Procedure – Examining Group 3654

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Hanscom)	
Serial No:	09/930,120)	
Filed:	August 14, 2001)	Art Unit
)	3654
For:	TAPE GUIDE FOR REDUCING LATERAL TAPE MOVEMENT)	
Examiner:	Rivera, William A.)	
Attorney Docket:	Q00-1027-US1 / 11198.70)	

REQUEST FOR WITHDRAWAL OF FINAL REJECTION
AND RESPONSE TO FINAL REJECTION
PURSUANT TO 37 C.F.R. § 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Request for Withdrawal of Final Rejection

The Applicant respectfully submits that the final rejection contained in the Office Action dated February 8, 2007, is premature. The final rejection is believed to be premature because Applicant's Amendment and Response mailed on October 12, 2006 (hereinafter the "October Response") did not necessitate the new grounds for rejection for all of the previously pending claims, as provided below.

CERTIFICATE OF MAILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this the 5th day of April, 2007.

JAMES P. BRODER, Attorney for Applicant--Registration No. 43,514

The Applicant requests that final rejection of the present application be withdrawn pursuant to MPEP 706.07(a), which states in relevant part:

“Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).” (Emphasis added.) MPEP 706.07(a).

In particular, claims 25 and 28-34 were rejected under 35 U.S.C. § 103(a) in the Office Action mailed on September 14, 2006. The Applicant responded by traversing the rejection of claims 25 and 28-34 in the October Response. Claims 25 and 28-34 were not amended in the October Response. In the current Final Rejection, Daly (US 5,199,168) is a newly cited reference against claims 25 and 28-34, used in combination with Sawano (JP 10-106074) and/or Hikita (US 6,427,941). Daly was not relied upon in any prior Office Action, and therefore is a new ground of rejection of these claims. In other words, the new ground of rejection was not necessitated by applicant's amendment of claims 25 and 28-34 (since no amendment of these claims occurred), nor by information in a newly submitted Information Disclosure Statement. As a result, the instant final rejection is premature and should be withdrawn pursuant to MPEP §706.07(d).

MPEP §706.07(d) provides in relevant part: “If, on request by applicant for reconsideration, the primary examiner finds the final rejection to have been premature, he or she should withdraw the finality of the rejection.” MPEP §706.07(d). Thus, the Applicant respectfully submits that pursuant to MPEP §706.07(a), the instant Final Rejection should be withdrawn in accordance with MPEP §706.07(d).

If, for any reason, the instant request for withdrawal of the final rejection is denied and the finality of this action is maintained, the instant Amendment and Response should be accorded expedited treatment because it is filed within two months of the date of the Final Rejection. The Applicant has complied with the provisions of 37 C.F.R. § 1.116, and requests that this Response to Final Rejection be considered after final rejection.